



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

SUBMITTED: August 17, 2009  
RESUBMITTED: September 14, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Regulations on the Take of Freshwater Mollusks (FO-228)

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to provide for better protection and preservation of fish, game and birds.

Discussion and Background:

This proposed order change will allow quagga mussels to be harvested or collected by anglers without a permit. Currently, only zebra mussels may be collected without a permit. Quagga mussels invaded the Great Lakes after the zebra mussel invasion and were not present when the current order was drafted. Quagga mussels are very similar to zebra mussels and both are biofoulers that occlude pipes in municipal and industrial raw-water systems, requiring millions of dollars annually to treat (<http://100thmeridian.org/zebras.asp>).

While Fisheries Orders issued under Part 487 of 1994 PA 451, have no expiration date, it is recommended that a five year expiration date be placed on the order. This will ensure that the order be reviewed at least once every five years which is consistent with orders issued under Part 411 of 1994 PA 451.

NATURAL RESOURCES COMMISSION

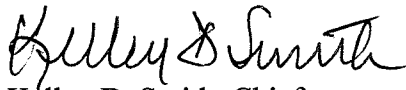
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

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Recommendation:

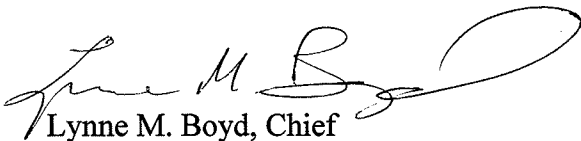
This order was submitted for information and consideration at the August 13, 2009, Natural Resources Commission meeting. This item appeared on the Department's August 2009 calendar and may be eligible for approval on October 8, 2009.



Kelley D. Smith, Chief  
Fisheries Division



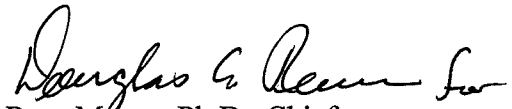
David E. Freed, Chief  
Land and Facilities



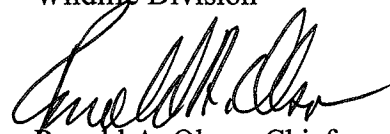
Lynne M. Boyd, Chief  
Forest, Mineral and Fire Management Division



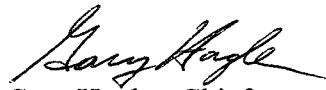
Arminda S. Koch  
Resource Management Deputy



Russ Mason, Ph.D., Chief  
Wildlife Division



Ronald A. Olson, Chief  
Parks and Recreation Division



Gary Hagler, Chief  
Law Enforcement Division

I approve the staff recommendation.

Rebecca A. Humphries  
Director

\_\_\_\_\_  
Date Approved

# **ORDER**

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## **REGULATIONS ON THE TAKE OF FRESHWATER MOLLUSKS**

By authority conferred on the Department of Natural Resources by section 48705 of 1994 PA 451, as amended, being MCL 324.48705, the Director of the Department of Natural Resources on October 8, 2009, ordered that:

It shall be unlawful to take or attempt to take freshwater mussels or parts of any freshwater mussels, whether living or dead, including the shell or parts thereof, from any waters of this state, except under the provisions of a cultural or scientific investigation permit issued by the Director of the Department of Natural Resources. Zebra mussels (*Dreissena polymorpha*) and quagga mussels (*Dreissena rostriformis bugensis*) may be taken from any waters of this state.

This order shall be assigned number FO-228.10, and is entitled "Regulations on the Take of Freshwater Mollusks."

This order supersedes the order entitled "Regulations on the Take of Mollusks," effective September 16, 2002, and assigned number FO-228.03.

This order shall take effect April 1, 2010, and shall remain effective through March 31, 2015.

Issued on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Rebecca A. Humphries  
Director

The Natural Resources Commission has reviewed this order.

Keith J. Charters  
Chairperson

Teresa Gloden  
Executive Secretary